

Judge Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DESMONE BASTAIN,

Defendant.

NO. CR06-379 RSM

ORDER FOR NEW
TRIAL DATE

This matter having come before the undersigned Court by joint motion of counsel, the United States through the United States Attorney for the Western District of Washington, Susan M. Roe, Assistant United States Attorney for said district, and the defendant through counsel, Jeffrey A. Lustick, the Court being fully advised in the matter, now finds that

The trial was scheduled for January 2, 2007. The defendant will waive speedy trial rights until February 15, 2007, which is beyond the new trial date of February 5, 2007. The motion is made because of scheduling difficulty putting on evidence before the Grand Jury hearing this matter in anticipation of a superseding indictment, and is made because of schedule conflicts with counsel and with the court holidays at this time of year. Counsel have been diligent in addressing this matter and the parties believe that this continuance is necessary so counsel can discuss resolution of this matter.

The Court is aware that time limitations for trial and speedy trial concerns are set

1 forth in Title 18, United States Code, Section 3161.

2 Section 3161(h) outlines the periods of excludable time, including:

3 (8)(A) Any period of delay resulting from a continuance
4 granted by any judge on his own motion or at the request of
5 the defendant or his counsel or at the request of the attorney
6 for the Government, if the judge granted such continuance on
7 the basis of his findings that the ends of justice served by
8 taking such action outweigh the best interest of the public and
9 the defendant in a speedy trial. No such period of delay
10 resulting from a continuance granted by the court in
11 accordance with this paragraph shall be excludable under this
12 subsection unless the court sets forth, in the record of the
13 case, either orally or in writing, its reasons for finding that the
14 ends of justice served by the granting of such continuance
15 outweigh the best interests of the public and the defendant in
16 a speedy trial.

11 In this matter, the Court finds that further time is reasonable and necessary as the
12 requested time is within the speedy trial time period. Further, that the ends of justice are
13 served by the requested continuance as this Title 21 trial. This case has few civilians
14 witnesses and no specific victims, therefore the rights of victims to a speedy trial are not
15 effected by this continuance. Therefore, the trial date is continued from January 24, 2007
16 until February 5, 2007.

17 Dated this 30th day of November, 2006.

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20 RICARDO S. MARTINEZ
21 UNITED STATES DISTRICT JUDGE

22 Presented by:

23
24 s/Susan M. Roe
25 SUSAN M. ROE
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